

Docket No.: 1316.1041

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Yong-Hoon LEE, et al.

Serial No. 09/513,687

Group Art Unit: 1774

Confirmation No. 7481

Filed: February 25, 2000

Examiner: Ferguson, Lawrence D.

For: OPTICAL DISC

**COMMENTS REGARDING STATEMENT OF REASONS FOR ALLOWANCE**

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Sir:

A Statement of Reasons for Allowance was forwarded in the Notice of Allowability mailed December 30, 2004.

MPEP §1302.14 states, in part:

Where specific reasons are recorded by the examiner, care must be taken to ensure that statements of reasons for allowance (or indication of allowable subject matter) are accurate, precise and do not place unwarranted interpretations, whether broad or narrow upon the claims. The examiner should keep in mind the possible misinterpretations of his or her statement that may be made and its possible estoppel effects.

The Examiner characterizes certain features of various claims. However, the Examiner has not recited the appropriate language for the appropriate claims as pending and allowed in the application.

By way of example, the Examiner asserts that the disclosed prior art does not teach or suggest the recited optical disc further including a substrate having flat portions, which correspond to tracks having a width, and micro-embossments, which are track guides,

protruding from the surfaces of the flat portions, wherein the micro-embossments protrude and narrow in a direction towards a protective layer.

However, claim 27 does not recite that the substrate has flat portions, nor micro-embossments, which are track guides.

The foregoing is merely meant to be exemplary, and does not point out all of the discrepancies between the Examiner's Statement of Reasons for Allowance and the claimed features of the currently pending claims.

It is further submitted that the claims speak for themselves and should not be interpreted based on the Examiner's characterizations of same. It is also submitted that the claims provide their own best evidence as to the reasons for allowance.

In summary, it is submitted that the Examiner's Statement "raises possible misinterpretations... and possible estoppel effects" (M.P.E.P. §1302.14) and is therefore improper.


Respectfully submitted,

STEIN, MCEWEN & BUI, LLP

Date:

3/30/05

By:



Michael D. Stein  
Registration No. 37,240

1400 Eye St., N.W., Suite 300  
Washington, D.C. 20005  
Telephone: (202) 216-9505  
Facsimile: (202) 216-9510